

## REMARKS/ARGUMENTS

The rejections presented in the Office Action dated February 19, 2008 (hereinafter Office Action) have been considered. Claims 1-26 remain pending in the application. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

1. Claims 1-9 and 26 are rejected based on 35 U.S.C. §101 because the claimed invention is allegedly directed to non-statutory subject matter. According to the Office Action, the "instant specification provides evidence that the claims are intended to encompass embodiments which consist entirely of software (see page 26, lines 7-9). Absent a structurally and functionally interrelated computer readable medium, software *per se* is not statutory." (Office Action, page 3, para. 2). Applicants respectfully disagree.

There is no support for the apparent contention that functions set forth in Claims 1-9 and 26 can be accomplished using software only, at least because Applicant can find no reasonable definition of the term "software *per se*." The portion of the Specification cited by the Examiner merely states "[h]ardware, firmware, software or a combination thereof may be used to perform the various mobile server functions described herein." This describes the use of software to perform functions, and does not describe or imply software that exists or performs functions outside of statutory structures or apparatus. The Office Action did not explain how software can reasonably be understood to exist outside of a computer readable medium, apparatus, or other structures. It is also unclear how a system can perform actions such as "receive addressed information requests from network entities via the common gateway interface" (e.g., Claim 1) without some sort of physical embodiment.

Even if a heretofore unknown form of "software *per se*" could be shown to exist, Claims 1-9 and 26 are directed to a system, which is a statutory class of invention. The Specification does not describe, nor has the Examiner alleged or shown, that any disclosed system performing the functions described in Claims 1-9 and 26 is a non-statutory class of invention, nor have Applicants stated or implied that such functions can occur outside of physical devices or media. For example, the Examiner has not shown that Claims 1-9 and 26 can be construed, in view of the Specification, as including structures that are of a non-statutory

category such an abstract idea, law of nature, natural phenomenon, or transitory propagating signal.

Further, even a claimed system that employs purportedly non-statutory subject matter does not render the system itself non-statutory. “A process, machine, manufacture, or composition of matter employing a law of nature, natural phenomenon, or abstract idea is patentable subject matter even though a law of nature, natural phenomenon, or abstract idea would not, by itself, be entitled to such protection.” Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility, OG Notices 22 November 2005, Annex II-B(i), citing *State Street Bank & Trust v. Signature Financial Group, Inc.*, 149 F.3d at 1374, 47, USPQ2d at 1601.

Therefore, Applicant submits that the rejection of Claims 1-9 and 26 is based on clear errors of both fact and law, and withdrawal of the rejection is respectfully requested.

2. Claims 1-6, 10, 16, 17, 18, 21 and 22 are rejected based on 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,980,826 to Yamaguchi (hereinafter “Yamaguchi”) in view of U.S. Patent No. 5,778,367 to Wesinger, Jr. et al. (hereinafter “Wesinger”) and further in view of U.S. Publication No. 2003/0139144 by Kitajima et al. (hereinafter “Kitajima”).

Applicants respectfully traverse the rejections. In order to maintain a § 103(a) rejection, the Examiner must identify a reference, or a combination of references, that teaches or suggests the all of the claimed limitations, or explain why difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art. MPEP § 2141.

Applicants submit that the combination of Yamaguchi with Wesinger and Kitajima fails to teach or suggest all of the claim limitations, and the Office Action did not explain why differences between the Yamaguchi/Wesinger/Kitajima combination and the claimed invention would have been obvious to one of ordinary skill in the art.

Independent Claims 1, 10, 16, and 17 are first considered. Claim 1 describes a plurality of information sources that interface with a common gateway interface of the mobile information system. The information sources include personal information entered onto the mobile information system by a user of the mobile information system. A mobile information server is arranged to receive addressed information requests from the network entities via the common gateway interface and select at least one information source from the information

sources. The mobile information server facilitates information exchange from at least one information source via the common gateway interface in response to the addressed information requests from the network entities.

Claims 10, 16, and 17 set forth similar features related to multiple sources of information that are coupled to a network via a common gateway interface. For example, Claim 10 describes a common gateway interface that interfaces a plurality of applications of a mobile terminal with the network for retrieving the personal information. Claims 16 and 17 include determining, in response to an information request, a source for information from a plurality of applications of a mobile information server.

Applicants submit that the combination of Yamaguchi, Wesinger, and Kitajima do not teach or suggest a mobile information server with all of the features described in Applicants' claims, including the selection from multiple information sources by a common gateway interface. For example, Yamaguchi is directed to a "system for controlling a device through a network by using a mobile terminal for saving a space and a cost of a whole system." by way of an HTTP server included on a cellular phone (Yamaguchi, Abstract and col. 4, lines 47-50). The human interaction with the phone is via a remote terminal (Yamaguchi, col. 4, lines 34-37). As should be apparent from the descriptions of a cellular phone in Yamaguchi, Yamaguchi is not describing a mobile server that provides, in response to a network request, personal information stored on the mobile server by a user of the mobile server. Instead, Yamaguchi is describing a cellular phone with a web server being used as wireless controller for another device, or as a wireless camera/microphone that streams content by way of the web server. Wesinger does not cure these deficiencies of Yamaguchi.

Wesinger was relied upon to show receiving a request via a CGI that interfaces information sources with a network, wherein the information sources include personal information stored on an information system by a user of the information system and facilitating information exchange via the CGI. Wesinger describes a system with "server software and the HTML front-ending tools [that] communicate through the Common Gateway Interface 111." (Wesinger, col. 4, lines 18-20). In response to user "selections or requests," a server may "call a CGI script to perform some sort of processing." (Wesinger, col. 4, lines 38-31). The HTML front end is used to access a database that "functions as a directory to allow

the Web public to quickly and precisely find current and accurate data about the user, the user's products and services, etc., without requiring the user to have a conventional Web homepage.” (Wesinger, col. 3, lines 21-24). As recognized in the office Action, Wesinger does not teach or suggest that the personal information is stored on the system independently of the CGI.

Further, Wesinger does not teach or suggest that a CGI interfaces a plurality of information sources of a mobile device or system. As seen in Wesinger's FIG. 1A and described at column 4, lines 18-22, the CGI 111 interfaces with a database front-ending tool 109 to access a conventional database of a fixed server. This front end tool 109 is the only information source that interfaces with the CGI 111. Thus, the combination of Yamaguchi and Wesinger do not teach or suggest entering data to a plurality of information sources of a mobile device or system independently of a common gateway interface, and interfacing the information sources with the common gateway interface.

Finally, Kitajima was relied upon to cure the deficiencies of Yamaguchi and Wesinger relating to, for example, entering personal information entered onto the mobile information system by a user independently of the common gateway interface. Kitajima describes a “portable information terminal [that] allows its user to select information categories to transmit from items stored as personal and/or schedule information in its memory.” (Kitajima, Abstract). However, Kitajima cannot be fairly considered to teach entering data into separate information sources that are provided via a common interface because Kitajima only shows a single personal information manager application. Further, Kitajima is inapplicable to mobile information servers because Kitajima teaches user initiated proximity data transmissions (e.g., Kitajima 0053).

In contrast to these references, the claimed invention, among other things, “provides mechanized service consumption model where conventional services and data may be offered by the mobile terminal without necessarily involving human interaction.” (Specification, p. 24, lines 29-30). One way of offering these services and data without human interaction is the provision of “a gateway to a multitude of devices that are directly accessible by MIS 704” as represented by Common Gateway Interface (CGI) 710. (Specification, p. 24, lines 16-19). As such, a single network access point of a mobile information server can be used to access all data sources used on that device. This recognizes both that mobile terminals are increasingly used to

maintain “important information concerning users of mobile terminals” (Specification, p. 1, lines 28-29), and that these terminals are increasingly gaining capabilities that allow them “to function as an information server.” (Specification, p. 6, line 8). Thus, the claimed embodiments embody both the characteristics of a mobile client (e.g., used for determining and/or inputting important user information) and a server (e.g., providing user information without user intervention).

Applicants submit that none of the cited references, either alone or in combination, teach or suggest this duality of operation of a mobile device. “Not only must the claimed invention as a whole be evaluated, but so also must the references as a whole, so that their teachings are applied in the context of their significance to a technician at the time--a technician without our knowledge of the solution.” *Interconnect Planning Corp. v. Feil*, 774 F.2d 1132, 1143 (Fed. Cir. 1985). Yamaguchi recognizes that a cellular phone may be configured as a server, but fails to teach or suggest that such a server could provide important user information that is possible or likely to be gathered by such a device. Kitajima recognizes that a mobile device may be suited for inputting/maintaining personal information, but Kitajima fails to recognize the use of a server to provide this data. Note that transmissions of data in Kitajima are proximity transmissions that are user-initiated (e.g., “[w] hen the user agrees to transmit the data,” Kitajima 0053; “the user specifies whether to transmit information to some... of the terminals to which data can be transmitted or all terminals listed” Kitajima 0053). Wesinger is describing a purely server-based CGI implementation, and thus fails to teach or suggest a device that runs the CGI can be used to create or determine personal user information.

As a result, the combination of Yamaguchi, Wesinger, and Kitajima fail to teach or suggest the entry of personal information into the same device that makes such device available via a network using a CGI. Further, as set forth in the claims, this CGI selects from more than one information source/application that may provide this data. This recognizes that a mobile device may include a number of different applications (e.g., telemetry and imagery, Specification page 25, lines 22-30 and FIG. 7). Thus the CGI, being a single point of entry to the device, eases access to the information by others. Further, the selection of the data source by the CGI further removes the need for the user to separately configure the multiple data sources for network access via the mobile server.

None of Yamaguchi, Wesinger, and Kitajima teach or suggest this selection from multiple user applications/information sources by a CGI. The only reference relied upon to show a CGI is Wesinger, but Wesinger fails to teach or suggest multiple information sources handled by a single CGI, much less multiple information sources of a mobile terminal or system. In the portion of Wesinger cited in the rejections (FIG. 1A and col. 4, lines 12-35), a CGI 111 interfaces to a single information source, namely database front end tools 109. The purpose of Wesinger's CGI is not to select from different sources, but "to perform some sort of processing" because SQL databases are not "Web-friendly." (Wesinger, col. 4, lines 12-13 and 31). The CGI of Wesinger operates in a pure server environment, and nowhere does Wesinger fairly suggest the selection from a number of mobile information sources.

Applicants submit, therefore, that the combination of Yamaguchi, Wesinger, and Kitajima fails to render Claims 1, 10, 16, and 17 obvious. There is an explicit failure of the combination of references to teach or suggest selecting from multiple information sources by a single CGI, nor has the Office Action explained why differences between the Yamaguchi/Wesinger/Kitajima combination and the claims would have been obvious to one of ordinary skill in the art. Further, the combination of references fail to suggest the advantages of providing access to multiple information sources from a common gateway of a mobile terminal capable of operating as a server. The choice of such features to accomplish a given task must not merely be feasible from a technological standpoint, but must also be workable with the environments and uses that are particular to mobile devices. This is an additional constraint that was not considered in the rejection or in the prior art references, and therefore Applicants submit that a showing of *prima facie* obviousness has not been met. Thus the combination of Yamaguchi, Wesinger, and Kitajima fails to render Claims 1, 10, 16, and 17 obvious.

Dependent Claims 2-6 depend from independent Claim 1, and dependent Claims 18 and 21-22 depend from independent Claim 17. These dependent claims also stand rejected under 35 U.S.C. §103(a) as being obvious in view of the combination of Yamaguchi, Wesinger, and Kitajima. While Applicant does not acquiesce with the particular rejections to these dependent claims, including any assertions concerning inherency or the taking of Official Notice, these rejections are now moot in view of the remarks made in connection with independent Claims 1 and 17. These dependent claims include all of the limitations of the base claim and any

intervening claims, and recite additional features which further distinguish these claims from the combination of Yamaguchi and Wesinger. “If an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious.” M.P.E.P. §2143.03; citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Therefore, dependent Claims 2-6, 18, and 21-22 are also in condition for allowance.

3. Claims 7 and 8 are rejected based on 35 U.S.C. §103(a) as being unpatentable over Yamaguchi in view of Wesinger and Kitajima and further in view of U.S. Publication No. 2002/0194500 by Bajikar (hereinafter “Bajikar”). Claim 9 is rejected based on 35 U.S.C. §103(a) as being unpatentable over Yamaguchi in view of Wesinger and Kitajima and further in view of Bajikar and U.S. Patent No. 6,583,807 to Chang et al. (hereinafter “Chang”). Applicants respectfully traverse the rejections.

For the rejections of Claims 7-9, the combination of Yamaguchi, Wesinger, and Kitajima is relied upon as teaching the substance of the claims from which Claims 7-9 are dependent, namely, independent Claim 1. The rejections do not rely on any combination of Bajikar or Chang, as providing a remedy to the deficiencies of Yamaguchi/Wesinger/Kitajima as pertaining to independent Claim 1 nor do Bajikar or Chang provide such a remedy. Thus, because none of Yamaguchi, Wesinger, Kitajima, Bajikar, or Chang, teaches or suggests at least the recitations of Claim 1, the combination of these references also fails to teach these recitations. While other requisites of establishing *prima facie* obviousness may also be absent, the Applicants respectfully submit that the cited combination of references at least fails to teach or suggest all of the claim limitations. For at least this reason, Claims 7-9 are not rendered obvious by the respective combinations of Yamaguchi, Wesinger, Kitajima, Bajikar, and Chang and withdrawal of the rejection is respectfully solicited.

4. Claim 11 is rejected based on 35 U.S.C. §103(a) as being unpatentable over Yamaguchi in view of Wesinger and Kitajima and further in view of U.S. Patent No. 6,018,774 to Mayle (hereinafter “Mayle”). Applicants respectfully traverse the rejections.

Applicants first note that Mayle fails to teach or suggest storing image data in a server directory of a mobile terminal having an imaging device that captures images for storage in the server directory, as relied upon in the rejection of Claim 11. In col. 5, lines 19-23 of Mayle that was cited in the rejections, Mayle describes a session database on a “server that is adapted to

store and process data that is transmitted over the Internet" (Mayle, col. 4, lines 66-67). The servers of Mayle are purely Internet infrastructure servers (e.g., Mayle, FIG. 1), and imagery processed by the servers is uploaded via the network (e.g., Mayle, col. 7, lines 35-36). Nowhere does Mayle even describe a mobile device, or teach or suggest that a client device contains an imaging device that captures images for storage in the server directory of the client as set forth in Claim 11. In addition, the Office Action did not explain why differences between the Yamaguchi/Wesinger/Kitajima/Mayle combination and the claimed invention would have been obvious to one of ordinary skill in the art.

Further, for the rejection of Claim 11, the combination of Yamaguchi, Wesinger, and Kitajima is relied upon as teaching the substance of the claims from which Claim 11 is dependent, namely, independent Claim 10. The rejections do not rely on Mayle as providing a remedy to the deficiencies of Yamaguchi/Wesinger/Kitajima as pertaining to independent Claim 10 nor does Mayle provide such a remedy. Thus, because none of Yamaguchi, Wesinger, Kitajima, or Mayle teaches or suggests at least the recitations of Claim 10, the combination of these references also fails to teach these recitations. For at least this reason, Claim 11 is not rendered obvious by the combinations of Yamaguchi, Wesinger, Kitajima, and Mayle, and withdrawal of the rejection is respectfully solicited.

5. Claim 12 is rejected based on 35 U.S.C. §103(a) as being unpatentable over Yamaguchi in view of Wesinger and Kitajima and further in view of U.S. Patent No. 6,131,067 to Girerd (hereinafter "Girerd"). Applicants respectfully traverse the rejections.

Applicants first note that Girerd fails to teach or suggest storing telemetry data in a server directory of a mobile terminal, as relied upon in the rejections. In the Office Action, FIG. 1A and col. 16, lines 9-22 of Girerd were cited to support the rejections. In these excerpts, Girerd shows and describes a server 200 located in a base station 10 that receives data from a remote sensor 20 and stores the data. The remote sensor includes a cellular phone (e.g., Girerd, col. 4, lines 23-30). Nowhere does Girerd teach or suggest that cellular phone contains a server directory as set forth in Claim 12, nor did the Office Action explain why differences between the Yamaguchi/Wesinger/Kitajima/Girerd combination and the claimed invention would have been obvious to one of ordinary skill in the art.

Further, for the rejection of Claim 12, the combination of Yamaguchi, Wesinger, and Kitajima is relied upon as teaching the substance of the claims from which Claim 12 is dependent, namely, independent Claim 10. The rejections do not rely on Girerd as providing a remedy to the deficiencies of Yamaguchi/Wesinger/Kitajima as pertaining to independent Claim 10 nor does Girerd provide such a remedy. Thus, because none of Yamaguchi, Wesinger, Kitajima, or Girerd teaches or suggests at least the recitations of Claim 10, the combination of these references also fails to teach these recitations. For at least this reason, Claim 12 not rendered obvious by the combinations of Yamaguchi, Wesinger, Kitajima, and Girerd, and withdrawal of the rejection is respectfully solicited.

6. Claims 13 and 23-24 are rejected based on 35 U.S.C. §103(a) as being unpatentable over Yamaguchi in view of Wesinger and Kitajima and further in view of U.S. Patent No. 5,742,845 to Wagner (hereinafter “Wagner”). Claims 14 and 26 are rejected based on 35 U.S.C. §103(a) as being unpatentable over Yamaguchi in view of Wesinger and Kitajima and further in view of Wagner and Bajikar. Claim 15 is rejected based on 35 U.S.C. §103(a) as being unpatentable over Yamaguchi in view of Wesinger and Kitajima and further in view of Wagner and U.S. Publication No. 2003/0187992 by Steenfeldt (hereinafter “Steenfeldt”). Applicants respectfully traverse the rejections.

Regarding the rejection of Claims 14 and 26, Applicants note that the combination of Wagner and Bajikar was relied upon to teach common gateway interface facilitates transfer of security access data between the mobile terminal and a security access point. However, Bajikar only describes transfers via proximity networking such as Bluetooth for temporarily or permanently secure devices (e.g., Bajikar, Abstract 0036). Bajikar fails to describe the use of security access points that allow access to a location, as such term is known in the art and as claimed and described (e.g., “facilitate the user's ingress...deny access to the building,” Specification, p. 14, lines 4-5).

As recognized in the Office Action, Bajikar fails to show the use of a CGI or networking to transfer security data, and so Wagner is relied upon to teach this aspect of the claims. Wagner is directed to remotely controlling non-networkable I/O devices via a CGI (e.g., Wagner, col. 9, lines 60-65), but fails to describe the use of a CGI in a mobile terminal or the use of CGI in a security access context. In addition, when Yamaguchi, Wesinger, Kitajima,

Bajikar, and Wagner are considered in context, it is particularly apparent that these rejections rely on a hindsight piecing together of select portions from references that are, at best, only marginally relevant to the claims. Far from rendering the claims obvious, Applicants submit that when considering the claims and cited references in context, the combination of Yamaguchi, Wesinger, Kitajima, Bajikar, and Wagner enforces the Applicants' contention that the claims as a whole are non-obvious over the prior art. Applicants submit that the combination of references fails to at least teach or suggest using a mobile server device with a security access point as set forth in Claims 14 and 26.

Further, for the rejections of Claims 13-15, 23-24 and 26, the combination of Yamaguchi, Wesinger, and Kitajima is relied upon as teaching the substance of the claims from which Claims 13-15, 23-24 and 26 are dependent, namely, independent Claims 10, 17 and 1, respectively. The rejections do not rely on any combination of Wagner, Bajikar, and Steenfeldt, as providing a remedy to the deficiencies of Yamaguchi/Wesinger/Kitajima as it pertains to independent Claims 1, 10, and 17 nor do Wagner, Bajikar, and Steenfeldt provide such a remedy. Thus, because none of Yamaguchi, Wesinger, Kitajima, Wagner, Bajikar, or Steenfeldt teaches or suggests at least the recitations of Claim 1, the combination of these references also fails to teach these recitations. While other requisites of establishing prima facie obviousness may also be absent, the Applicants respectfully submit that the cited combination of references at least fails to teach or suggest all of the claim limitations. For at least this reason, Claims 13-15, 23-24 and 26 are not rendered obvious by the combinations of Yamaguchi, Wesinger, Kitajima, Wagner, Bajikar, and Steenfeldt and withdrawal of the rejection is respectfully solicited.

7. Claim 19 is rejected based on 35 U.S.C. §103(a) as being unpatentable over Yamaguchi in view of Wesinger and Kitajima and further in view of U.S. Patent No. 5,961,645 to Baker (hereinafter "Baker"). Applicants respectfully traverse the rejection. Claim 25 is rejected based on 35 U.S.C. §103(a) as being unpatentable over Yamaguchi in view of Wesinger and Kitajima and further in view of U.S. Publication No. 2002/0049852 by Lee (hereinafter "Lee").

For the rejection of Claims 19 and 25, the combination of Yamaguchi, Wesinger, and Kitajima is relied upon as teaching the substance of the claims from which Claims 19 and 25

are dependent, namely, independent Claim 17. The rejections do not rely on Baker or Lee as providing a remedy to the deficiencies of Yamaguchi/Wesinger/Kitajima as it pertains to independent Claim 17 nor does Baker provide such a remedy. Thus, because none of Yamaguchi, Wesinger, Kitajima, Lee, or Baker, teaches or suggests at least the recitations of Claim 17, the combination of these references also fails to teach these recitations. For at least this reason, Claims 19 and 25 are not rendered obvious by the respective combinations of Yamaguchi, Wesinger, Kitajima, Lee and Baker, and withdrawal of the rejection is respectfully solicited.

8. Claim 20 is rejected based on 35 U.S.C. §103(a) as being unpatentable over Yamaguchi in view of Wesinger and Kitajima and further in view of U.S. Publication No. 2002/0015403 by McConnell (hereinafter “McConnell”). Applicants respectfully traverse the rejection.

Applicants first note that McConnell fails to teach or suggest information requests received are addressed to the mobile server, wherein the address includes a Mobile Station Integrated Services Digital Network Number (MSISDN). In 0157 of McConnell that was cited in the rejections, McConnell describes mapping the IP address of a WAP device to the MSISDN associated with the device for purposes of authenticating with a RADIUS server. Because McConnell explicitly describes the mapping of IP/MSISDN pairs, there is no teaching or suggesting an address that contains an MSISDN. Further, this mapping is not for information requests addressed to a mobile server, but is “for the gateway to determine which WAP subscriber is making a call.” (McConnell, 0156). Nowhere does McConnell teach or suggest that received information requests have an address that includes a MSISDN of a mobile server as set forth in Claim 20, nor did the Office Action explain why differences between the Yamaguchi/Wesinger/Kitajima/McConnell combination and the claimed invention would have been obvious to one of ordinary skill in the art.

Further, for the rejection of Claim 20, the combination of Yamaguchi, Wesinger, and Kitajima is relied upon as teaching the substance of the claims from which Claim 20 is dependent, namely, independent Claim 17. The rejections do not rely on McConnell as providing a remedy to the deficiencies of Yamaguchi/Wesinger/Kitajima as it pertains to independent Claim 17 nor does McConnell provide such a remedy. Thus, because none of

Yamaguchi, Wesinger, Kitajima, or McConnell, teaches or suggests at least the recitations of Claim 17 also fails to teach these recitations. For at least this reason, Claim 20 is not rendered obvious by the combinations of Yamaguchi, Wesinger, Kitajima, and McConnell, and withdrawal of the rejection is respectfully solicited.

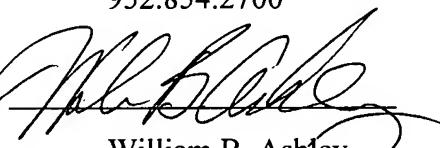
10. Authorization is given to charge Deposit Account No. 50-3581 (NOKM.054PA) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the Examiner is invited to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

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